

**Exhibit E**

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13 **IN THE SUPERIOR COURT OF FERRY COUNTY, STATE OF WASHINGTON**

14 IN RE:

15 CONNOR, JOSEPH A III  
16 Plaintiff

Case No. 11-2-00098-6

17 V

21 GMAC MORTGAGE LLC et al  
22 Defendants

23 **NOTICE OF MOTIONS**

24 **PLAINTIFF'S MOTION TO  
25 VACATE COURT ORDER FOR  
26 SANCTIONS AND TO ORDER A  
27 NEW HEARING (if necessary)**

28 **PLAINTIFF'S MOTION FOR  
29 DENIAL OF DEFENDNTS'  
30 MOTION FOR SANCTIONS  
31 ON GROUNDS OF LATE  
32 SERVICE**

33 **PLAINTIFF'S DECLARATIONS**

34 **EXHIBITS 1-6**

35 Judge: Nielson  
36 Hearing Date: 18 May 2012  
37 Hearing Time: 10am

---

[Type text]

- Notice of Motions
- Plaintiff's Motion to Vacate Court Order for Sanctions and to Order A New Hearing (if necessary)
- Plaintiff's Motion for Denial of Of Defendants' Motion for Sanctions On Grounds of Late Service
- Plaintiff's Declarations
- Exhibits 1-6

Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

15 Dated: 7 May 2012

  
Joseph A Connor III  
Pro se Plaintiff

**MOTION TO VACATE THE COURT'S ORDER FOR SANCTIONS  
AND TO ORDER A NEW HEARING (if necessary)**

1. The Plaintiff, Joseph A Connor III, Moves this Court for an Order Vacating its Order For Sanctions Against Plaintiff, to be entered on 8 June 2012, based on a hearing held on 27 April 2012, and if necessary to order a new hearing.
2. Plaintiff says he failed to appear at the 27 April 2012 hearing on the Motion due to a mix up with Court Call, the independent company that arranges telephonic appearances for parties to litigation.
3. Plaintiff asks for this Order so that he may be accorded due process and a fair hearing.

[Type text]

- Notice of Motions
- Plaintiff's Motion to Vacate Court Order for Sanctions and to Order A New Hearing (if necessary)
- Plaintiff's Motion for Denial of Of Defendants' Motion for Sanctions On Grounds of Late Service
- Plaintiff's Declarations
- Exhibits 1-6

Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

1 Dated: 7 May 2012



Joseph A Connor III, Pro se Plaintiff

6 PLAINTIFF'S DECLARATION—MOTION (a)

8 I, Joseph A Connor III, Declare the following under penalty of perjury under the laws of the  
9  
10 State of Washington.

12 1. I am over 18 years of age.

14 2. I am the Plaintiff in Connor V. GMAC Mortgage, LLC et al, Case No. 11-2-00098-6, now  
15  
16 pending in Ferry County Superior Court. I represent myself in this matter.

18 3. On 24 April 2012, I arranged for the services of Court Call, an independent company  
19  
20 that arranges for telephonic appearances for parties in litigation. Exhibits 1 and 1a together  
21  
22 constitute proof that I made and paid for these arrangements.

24 4. Exhibit 2 is a notice from Court Call that my registration was complete.

26 5. Exhibit 3 is my e-mail log for the period 3/29/12 to 4/27/12, which shows that I had no  
27  
28 other correspondence other than Exhibits 1, 1a and 2 from Court Call.

30 6. I received no instructions from Court Call, but I had used their service once before, and  
31  
32 on that occasion I simply waited by the phone until either the Court or Court Call (I can't  
33  
34 remember which) telephoned me when the hearing was called. In this instance, and in the  
35  
36 absence of instructions to the contrary from either Court Call or the Clerk's office, I assumed  
37

[Type text]

- Notice of Motions
- Plaintiff's Motion to Vacate Court Order for Sanctions and to Order A New Hearing (if necessary)
- Plaintiff's Motion for Denial of Defendants' Motion for Sanctions On Grounds of Late Service
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Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

1 the procedure was the same. I had no reason to think otherwise.  
2

3 7. I notified the Clerk's Office on 25 April 2012 that I had registered and paid for the Court  
4 Call service. On the afternoon of 26 April 2012, I spoke with the Clerk herself and told her I was  
5  
6 all set for the 10 am hearing on 27 April 2012.  
7

8 8. For whatever reason, and whoever is to blame, I did not have an opportunity to appear  
9 at the 10 am hearing on 27 April 2012, to defend against the Defendants' Motion.  
10

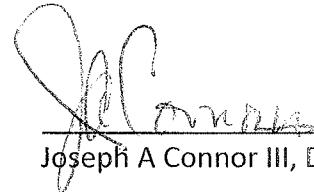
11 9. As a result, the Court issued an order for sanctions in the amount of \$1,500.00  
12 against me.  
13

14 10. I called the Clerk's Office and Court Call, both several times, in an effort to set the  
15 matter right, and seek a way to move forward. I began those calls at or around 11 am,  
16 27 April 2012, after sitting by the phone in my home from 10 am on and hearing nothing  
17 from anybody.  
18

19 11. Exhibit 4 is a letter from Court Call citing clerical error as the reason for my failure  
20 to appear.  
21

22 12. I have nothing further to declare.  
23

24 Dated: 7 May 2012  
25



\_\_\_\_\_  
Joseph A Connor III, Declarant

30 [Type text]  
31  
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-Notice of Motions  
-Plaintiff's Motion to Vacate Court  
Order for Sanctions and to Order  
A New Hearing (if necessary)  
-Plaintiff's Motion for Denial of  
Of Defendants' Motion for Sanctions  
On Grounds of Late Service  
-Plaintiff's Declarations  
-Exhibits 1-6

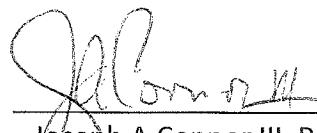
Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

1 **PLAINTIFF'S MOTION TO DENY DEFENDANTS' MOTION FOR SANCTIONS FOR LATE SERVICE**  
2

3 1. The Plaintiff, Joseph A Connor III, Moves this Court for an Order Denying Defendants'  
4 Motion for Sanctions, because the Notice and Motion were not served in compliance with  
5  
6 LCR 6(A) and CR 6(a) and (e).

7  
8 2. Plaintiff asks for such Order under LCR 6(E) because Defendants failed to comply with  
9 applicable laws LCR 6(A) and CR 6 (a) and (e).

10  
11 Dated: 7 May 2012



12  
13  
14 Joseph A Connor III, Pro se Plaintiff  
15  
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21 **PLAINTIFF'S DECLARATION—MOTION (b)**  
22

23 I, Joseph A Connor III, Declare the following under penalty of perjury under the laws of  
24  
25 The State of Washington.

26 1. I am over 18 years of age.

27 2. I am the Plaintiff in Connor v GMAC Mortgage et al, Case No. 11-2-00098-6, now  
28  
29 pending in Ferry County Superior Court, State of Washington. I represent myself in this  
30  
31 matter.

32 3. I received the Defendants' Notice and Motion for Sanctions on the morning of  
33  
34 24 April 2012.

35 [Type text]

36 -Notice of Motions  
37 -Plaintiff's Motion to Vacate Court  
Order for Sanctions and to Order  
A New Hearing (if necessary)  
-Plaintiff's Motion for Denial of  
Of Defendants' Motion for Sanctions  
On Grounds of Late Service  
-Plaintiff's Declarations  
-Exhibits 1-6

Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

1  
2 4. These documents had been mailed to Plaintiff on 19 April 2012, according to the  
3  
4 Service Certificate and the postmark on the envelope (Exhibits 5 and 6).

5  
6 5. Given the Defendants' 19 April 2012 date of mailing, and Ferry County Local Rule  
7  
8 6(A) and Washington Court Rule 6(a) and 6(e), it isn't mathematically possible for the  
9  
10 Notice and Motion to have been delivered to Plaintiff in time to comply with the law.

11  
12 6. Had I been at the hearing, I would have objected to the Motion being heard and I  
13  
14 I would have asked the Court to Deny said Motion.

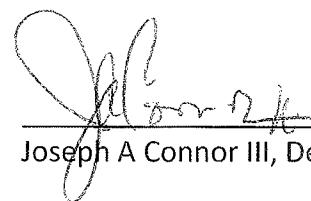
15  
16 7. I would note that as a result of the Defendants' late notice, I did not get the  
17  
18 opportunity to respond to and object to the Defendant's Motion in writing, but would  
19  
20 rather have been expected to respond and object verbally to the Motion, over the  
21  
22 phone with inadequate preparation, had the Court insisted the hearing go forward at  
23  
24 10 am on 27 April 2012, despite the provisions of LR 6(A), 6(E); CR 6(a) and 6(e).

25  
26 8. As the Court can see, attorney for Defendants, William Fig, overnighed the  
27  
28 documents to the Court so they would be filed on 20 May 2012 in compliance with the  
29  
30 laws cited in paragraph 6, but he put the Plaintiff's documents in the regular post, with  
31  
32 the result Plaintiff would have insufficient time to prepare for the hearing on 27 May  
33  
34 2012.

35  
36  
37 [Type text]

-Notice of Motions	Joseph A Connor III
-Plaintiff's Motion to Vacate Court	PO Box 1474
Order for Sanctions and to Order	Cobb, CA 95426
A New Hearing (if necessary)	707-809-7093
-Plaintiff's Motion for Denial of	Pro se Plaintiff
Of Defendants' Motion for Sanctions	
On Grounds of Late Service	
-Plaintiff's Declarations	
-Exhibits 1-6	

1           9. I have nothing further to declare.  
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4           Dated: 7 May 2012  
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\_\_\_\_\_  
Joseph A Connor III, Declarant

[Type text]

- Notice of Motions
- Plaintiff's Motion to Vacate Court  
Order for Sanctions and to Order  
A New Hearing (if necessary)
- Plaintiff's Motion for Denial of  
Of Defendants' Motion for Sanctions  
On Grounds of Late Service
- Plaintiff's Declarations
- Exhibits 1-6

Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

## CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that I caused to be sent the foregoing Notice of Motions, Plaintiff's Motion to Vacate Court Order for Sanctions and to Order a New Hearing (if necessary), Plaintiff's Motion for Denial of Defendants' Motion for Sanctions on Grounds of Late Service, Plaintiff's Declarations, Exhibits, by 1<sup>st</sup> Class US Mail Postage Prepaid to:

William G Fig  
Sussman Shank  
1000 SW Broadway, Suite 1400  
Portland, Oregon 97206

Monica Huck

[Type text]

- Notice of Motions
- Plaintiff's Motion to Vacate Court Order for Sanctions and to Order A New Hearing (if necessary)
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Joseph A Connor III  
PO Box 1474  
Cobb, CA 95426  
707-809-7093  
Pro se Plaintiff

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Folders [ edit ]

- Inbox (1)
- Junk Mail (4)
- Sent (3)
- Trash (24)
- Draft
- sent e...

Get 310 MB FTD

From: <response@courtcall.com> | [Save to Address Book](#) | Block Sender

To: <jacConnor3@netzero.net>

Subject: CourtCall Appearance ID 4902593 INVOICE

Date: Tue, Apr 24, 2012 11:25 AM

Attachment(s): 1 file(s)/document(s) | Total File Size: 96K

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*Exhibit I*



# CourtCall

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Tax ID: 95-4568415

## INVOICE / RECEIPT

COURTCALL ID 4902593  
CASE NAME/NUMBER 11-2-00098-6 / Conner vs. GMAC Mortgage, et al  
CUSTOMER REF. NUMBER  
DATE OF HEARING Friday, April 27th, 2012 10:00 AM PT  
FIRM NAME Joseph Connor Pro Per  
ATTORNEY/PARTY APPEARING Joseph A. Connor III  
TELEPHONE (707) 809-7093  
FAX/EMAIL  
AMOUNT DUE \$60.00  
AMOUNT PAID \$60.00  
PAYMENT NOW DUE \$0.00

### Payment Details

Method	Type	Amount	Reference	Date/Time
Credit	Charge	\$60.00	Visa ending in 8510	4/24/2012 11:23:42AM

If the 'Payment Now Due' indicated above is zero, no payment is due and this receipt is for your records only, otherwise, the amount indicated is now due.

If there is an amount due, please remit your payment within five business days of receipt of this notice. If you have already sent payment please contact our Accounting Department as our records do not reflect receipt of payment at the time this notice was sent. IF PAYMENT IS NOT RECEIVED, FUTURE SERVICE MAY BE DENIED AND/OR THE COURT MAY BE ADVISED OF YOUR REFUSAL TO PAY.

**PAYMENT BY CREDIT CARD:** Payment can be made online by registering and logging in at [www.courtcall.com](http://www.courtcall.com) or by calling (888) 882-6878 and selecting option '5' for the Accounting Department. Please have the complete credit card billing address in addition to the credit card number, expiration date and cardholder's full name available when making payment.

**PLEASE DETACH AND RETURN THIS PORTION IF PAYING BY CHECK OR MONEY ORDER**

**PAYMENT BY CHECK OR MONEY ORDER:** Complete this payment section and mail your check, payable to: CourtCall LLC at 6383 Arizona Circle, Los Angeles, CA 90045. Please write the CourtCall ID number in the memo section of your check. Please Note: CourtCall does not accept personal checks.

COURTCALL ID: 4902593  
CASE NAME/NUMBER: 11-2-00098-6 / Conner vs. GMAC Mortgage, et al  
CUSTOMER REF. NUMBER:  
DATE OF HEARING: Friday, April 27th, 2012 10:00 AM PT  
FIRM NAME: Joseph Connor Pro Per  
ATTORNEY/PARTY APPEARING: Joseph A. Connor III  
TELEPHONE: (707) 809-7093

Please find enclosed, my check payable to: CourtCall LLC in the amount of \$0.00

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Exhibit 1a*

**NETZERO** My NetZero Refer-a-Friend Help My Account Message Center Search

You are signed in as: jacconnor3@netzero.net

Write Message Home Inbox Write Address Book Settings Help Search

Check Messages

Check Other Mail [ edit ]

Folders [ edit ]

Inbox (1)

Junk Mail (4)

Sent (3)

Trash (24)

Draft

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To see a list of Courts/Judges available for scheduling click the Judge Availability List. Check for your Court/Judge in the list before attempting to schedule a new appearance online and give us a call if you do not see what you are looking for as we may be able to help. You will be able to view past/future appearances, continue, cancel and schedule new ones as well as viewing payment details by clicking 'My Appearances' on the dropdown menu or navigation bar.



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*Brando*  
+ 2012

*Exhibit 2*

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Exhibit 2 (cont)

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Check Messages **Inbox**

Check Other Mail [edit] View: All | Unopened 1 Unopened Message(s) 303 message(s) total

Folders [edit] Select item(s) to: Delete Report as Junk Move selected item(s) to... Mark Message as... **Inbox (1)**

Junk Mail (4) Select All | Clear All Messages 1-25 of 303 | First | Previous | Next(25) | Last

**Inbox (1)**

From	Subject	Date / Time	Size
DegreeTree	Earn a degree at your own pace	04/27/12 10:17 AM	7K
archivesupport@alumniarchiv...	Walter Johnson High School Alumni Mo ...	04/27/12 06:28 AM	53K
William G. Fig	RE: GMAC Mortgage, LLC	04/25/12 11:42 AM	27K
response@courtcall.com	CourtCall Appearance ID 4902593 INVOICE	04/24/12 11:25 AM	99K
response@courtcall.com	CourtCall Online-Registration Complete	04/24/12 11:18 AM	8K
Farrell Stephanie (OIC)	RE: First American Title	04/24/12 11:09 AM	24K
Farrell Stephanie (OIC)	First American Title	04/24/12 10:54 AM	42K
William G. Fig	RE: GMAC Mortgage, LLC	04/20/12 05:30 PM	22K
William G. Fig	RE: Connor v. GMAC Mortgage - attach ...	04/20/12 04:30 PM	23K
William G. Fig	FW: Connor v. GMAC et al - pleadings	04/20/12 03:54 PM	2538K
Mumim Napa Club Vivant	Has your address changed? May Club V ...	04/20/12 09:48 AM	31K
William G. Fig	RE: GMAC Mortgage, LLC	04/17/12 02:24 PM	16K
Theresa Greene	Cover Sheet	04/17/12 12:59 PM	40K
William G. Fig	RE: GMAC Mortgage, LLC	04/17/12 12:38 PM	7K
Karen D. Muir	Connor v. GMAC Mortgage - attached i ...	04/16/12 11:30 AM	2931K
Theresa Greene	RE: cover sheet	04/13/12 09:52 AM	50K
Eligibility Center	Eligibility Letter - Reference Numb ...	04/10/12 11:26 AM	56K
webmaster.pro@county.allegh...	Sheriff Return For: LSI Title Agen ...	04/09/12 05:56 PM	5K
Farrell Stephanie (OIC)	RE: LSI Title Agency request Set 4	04/09/12 02:27 PM	188K
Farrell Stephanie (OIC)	RE: LSI Title Agency request Set 4	04/09/12 12:50 PM	12K
Theresa Greene	documents	04/02/12 08:32 AM	259K
RECORDING	Assignment etc	03/30/12 01:18 PM	196K
USW_DIRECTSUPPORT	FOREMOST INSURANCE COMPANY: FORM 734960	03/29/12 06:40 PM	85K
Farrell Stephanie (OIC)	RE: LSI Title Agency request Set 4	03/29/12 10:05 AM	462K
Farrell Stephanie (OIC)	RE: LSI Title Agency request Set 4	03/29/12 08:55 AM	43K

Select All | Clear All Messages 1-25 of 303 | First | Previous | Next(25) | Last

Select item(s) to: Delete Report as Junk Move selected item(s) to... Mark Message as... **Get \$10 Off\* FTD**

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Exhibit 3

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April 30, 2012

Judge Allen Nielson Superior Court Judge  
Ferry County Superior Court

RE: Conner vs. GMAC Mortgage, et al  
*Case No. 11-2-00098-6*  
April 27, 2012

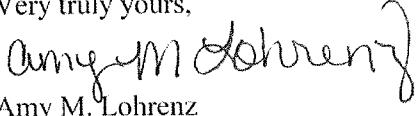
Dear Judge Nielson:

We have been informed that a Civil Motion involving In Pro Per Joseph A. Connor III, which was scheduled through CourtCall in the above referenced case was not completed.

Our records indicate that Mr. Connor made arrangements to appear by phone on April 24<sup>th</sup> at 11:23 am. Mr. Connor has indicated that he did not receive a Confirmation from our office and therefore did not have the phone number to dial in to connect for his appearance. Our records confirm that the confirmation was not sent. Mr. Connor believed that he would be dialed out to for his appearance. By the time he contacted our office and the error was discovered, the Court had heard the above mentioned case without his participation. Mr. Connor made a good faith effort to appear, however due to a clerical error on our part, was unable to do so.

Should you or your staff have any questions or comments, please feel free to contact me directly.

Very truly yours,

  
Amy M. Lohrenz  
Teleconference and Court Liaison

Cc: Mr. Connor

**SUSSMAN SHANK** LLP

ATTOYMEN AT LAW

1000 SOUTHWEST BROADWAY SUITE 1400  
PORTLAND, OREGON 97205-3089



Joseph A. Connor III  
PO Box 1474  
Cobb, CA 95426

FIRST CLASS



CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies:

1. My name is Karen D. Muir. I am a citizen of Washington County, state of Oregon, over the age of eighteen (18) years and not a party to this action.

2. On April 19, 2012, I caused to be delivered via **first-class U.S. Mail**,

postage prepaid, and email a copy of: **DEFENDANTS' MOTION FOR SANCTIONS**  
**RE PLAINTIFF'S MOTION FOR PLACEMENT OF *LIS PENDENS* MOTION** to the  
interested parties of record, addressed as follows:

Joseph A. Connor III  
PO Box 1474  
Cobb, CA 95426  
Email: jaconnor3@netzero.net

I SWEAR UNDER PENALTY OF PERJURY that the foregoing is true and correct to the best of my knowledge, information, and belief.

Karen D. Muir, Legal Assistant

F:\CLIENTS\20809\059\CERTMASTER.DOC